



Sierra Leone

Country Reports on Human Rights Practices - [2004](#)

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Sierra Leone is a constitutional republic with a directly elected President and a unicameral legislature. In 2002, the devastating 11-year civil conflict officially ended, and the Government, backed by a large U.N. peacekeeping force, asserted control over the whole country. Ahmed Tejan Kabbah was re-elected President in 2002, and his Sierra Leone People's Party (SLPP) won a large majority in Parliament. Many international monitors declared the elections free and fair; however, there were numerous reports of election irregularities. In May, the first local government elections in 32 years were held in 311 wards nationwide. National and international monitors declared the elections free and fair; however, subsequent claims of substantial electoral irregularities emerged. The U.N. Mission in Sierra Leone (UNAMSIL) handed over responsibility countrywide to the Sierra Leone Armed Forces (RSLAF) and Sierra Leone Police (SLP) and continued to withdraw its forces, which by year's end numbered approximately 4,000. In accordance with the extension of its mandate from the U.N. Security Council, UNAMSIL rescheduled its complete withdrawal to June 2005. The Truth and Reconciliation Commission (TRC) completed public hearings to air the grievances of victims and the confessions of perpetrators from the civil war and released its final report on October 5. During the year, the Special Court of Sierra Leone (SCSL) war crimes tribunal began trials of three Civil Defense Force (CDF) indictees and three Revolutionary United Front (RUF) indictees, while five others awaited trial. The judiciary generally demonstrated independence, but at times, it was subject to corruption.

Among the Government's security forces, the SLP officially has primary responsibility for internal order; however, on occasion, the RSLAF and UNAMSIL shared responsibility with police in security matters. The RSLAF is responsible for external security under the Ministry of Defense. Civilian authorities maintained control of security forces throughout the year. Some members of the security forces committed human rights abuses.

The country had a market-based economy and remained extremely poor; per capita Gross Domestic Product (GDP) was approximately \$150, and the population was approximately 6 million. Approximately two-thirds of the working population engaged in subsistence agriculture. Limited agricultural production continued, and industrial mineral companies began rehabilitating mining sites to resume extraction; illegal diamond mining continued, but legal exports increased from \$75 million in 2003 to \$127 million by year's end. Approximately 60 percent of the Government's budget came from foreign assistance. The infrastructure was devastated by years of fighting and decades of corruption and mismanagement.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. One man died in police custody during the year. Security forces raped women and children; members of UNAMSIL were accused of murdering a prostitute. Although conditions in some prisons improved, many detention centers were overcrowded and unsanitary, which resulted in numerous deaths during the year. Members of the SLP continued to arrest and detain persons arbitrarily. There were reports of extortion by police. Prolonged detention, excessive bail, and insufficient legal representation remained problems. The Government at times limited freedom of speech and the press during the year. Criminal libel laws received extensive press attention during the year with the imprisonment of a journalist on charges of seditious libel. Instability in border areas, as well as occasional incursions into the country by Liberian combatants, who sometimes raided villages for food, continued during the year. Violence, discrimination against women, and prostitution remained problems. Female genital mutilation (FGM) remained widespread. Abuse of children was a problem; however, numerous children who fought as child soldiers continued to be released and participated in reintegration programs during the year. There were reports of trafficking in persons, and new anti-trafficking legislation was passed by the Parliament. Residents of non-African descent faced institutionalized political restrictions. Forced labor continued to be a problem in rural areas. Child labor remained a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, on March 13, a man died at the Central Police Station while in police custody. Although excessive force was suspected, police sources claimed that the man was already injured when he was first brought into custody for fighting. Police released him to a friend after a few hours, but the man

later was returned to the police station, where he died. Four police were investigated for negligence and reprimanded.

In November 2003, guards severely beat three boys, one to death, following an escape attempt at a juvenile detention center. During the year, the Ministry of Social Welfare, Gender, and Children's Affairs launched an investigation, and new guards trained in coping tactics replaced the original guards. The SLP's Criminal Investigation Division distributed 300 flyers describing the guard accused of murder and requesting information on his whereabouts; however, he remained at large at year's end.

The case of three RSLAF soldiers accused of beating a Fullah businessman to death in June 2003 was still at trial at year's end.

In April, UNAMSIL soldiers were accused of murdering a prostitute, who was found dead after last being seen with the men. An investigation was ongoing at year's end.

During the year, a local human rights organization began preliminary investigations into allegations of the existence of a mass grave in Kamakwie. UNAMSIL carried out preliminary investigations in 2003 of mass graves found in both Bo and Pujehun Districts. The sites reportedly included graves in Sahn and Bendu Mahlen, which together may hold more than 300 bodies.

b. Disappearance

There were no reports of politically motivated disappearances.

Former RUF rebels continued to hold some persons, including women and children, as forced or common law spouses or laborers. Some women reportedly remained with their captors due to intimidation by their captors and a lack of viable options (see Section 5). The Ministry of Social Welfare, Children, and Gender maintained a database, with the help of UNICEF, which attempted to track children separated from their families during the war. International NGOs continued to work to secure the release of women and children from their captors, often with government assistance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were reports that security forces beat and raped persons, and that police stole, extorted, and accepted bribes.

RSLAF forces and the SLP sometimes acted on individual informal complaints outside of the established chain of command and scope of duty (see Section 1.a.). In February, RSLAF soldiers allegedly beat a farmer in the Pujehun district after the local chief claimed that the victim owed him palm oil.

There were reports that security forces beat journalists during the year (see Section 2.a.). There were also reports that security forces harassed civil society groups that worked on mining issues (see Section 2.b.).

There were reports that security forces raped women and children during the year. For example, at year's end, a policeman was in custody at Pademba Road Prison awaiting trial for raping a 12-year-old girl in Freetown. In August, a police officer in Kenema allegedly impregnated a prisoner and then fled to Freetown. Although the officer claimed that their sexual relationship was consensual, his position of authority over the 18-year-old woman brought into doubt her ability to consent freely to sexual relations.

A prison officer in Moyamba allegedly raped a female detainee in 2003. The officer had not been charged by year's end.

After a police investigation, the 2003 case against a police officer accused of raping an elderly woman in Lunsar was dropped for lack of evidence.

Unlike the previous year, there were no reports that UNAMSIL staff or soldiers raped persons. A UNAMSIL investigation into an alleged rape of a minor girl in Makeni in May 2003 was being conducted at year's end. The Personnel Conduct Committee continued to operate, and the UNAMSIL Human Rights Section held training sessions on preventing sexual abuse during the year for newly arrived peacekeepers.

In November, a third country national SCSL staff member was released on bail after being charged for an August rape of a young girl. Although the victim recanted her testimony, the trial was still ongoing at year's end. The staff member complained about the lack of access to medical treatment, legal and diplomatic representation, and the sanitary conditions at Pademba Road Prison.

In December, the magistrate court in Kenema released and then ordered the re-arrest of a soldier who had been charged during the year with raping an 8-year-old girl in Kailahun. The soldier presented evidence that he was impotent; however, subsequent press reports indicated that he had a pregnant wife and two children, and the magistrate concluded that he had made his original decision on false evidence. At year's end, the SLP had not executed the re-arrest order. There were no reports of action taken in reported cases of rape allegedly committed by RSLAF soldiers in previous years.

On multiple occasions, police did not intervene while crowds beat alleged thieves.

During the year, Guinean forces illegally occupied the Yenga area in the northern part of the country, and the Government accused them of trespassing and harassing the indigenous population. In September, the President of Guinea signed an agreement acknowledging Sierra Leone's dominion over the land. The presidents of each country assured one another that there would no longer be a dispute between the countries over Yenga; however, Guinean forces still occupied the area at year's end.

Prison conditions improved in some locations during the year; however, conditions in most facilities were poor. International human rights observers who visited maximum-security Pademba Road Prison reported that prisoners had adequate access to food, medical care, recreation, and vocational skills training. However, in May, an inmate in the men's unit at Pademba Road Prison presented a formal complaint to the Freetown Magistrate regarding inadequate medical treatment. In September, newspapers reported that 15 Pademba Road prisoners began a hunger strike to protest the poor conditions at the prison, including inadequate food and unsanitary living quarters. After visits to the Western Area, Kono, Bombali, Kambia, Port Loko, and Kenema District, human rights observers reported that conditions frequently fell below minimum international standards because of overcrowding, unhygienic conditions, and insufficient medical attention. Such conditions resulted in numerous deaths during the year.

Many problems resulted from the poor state of the judiciary; for instance, case backlogs in the courts led to severe overcrowding. There were approximately 1,400 detainees in facilities built for about half that number. For example, Pademba Road Prison, which was designed to house 325 prisoners, held approximately 840 prisoners. In November, a Commonwealth judge inspected Pademba Road Prison and described the conditions as "deplorable." After meeting with prisoners, some of whom had been held for as many as 8 years, the judge said the delay in justice was a "time bomb." Shortly after the judge's visit, 45 prisoners escaped while being transported from the court to the prison. There are 12 district prisons in the country, 8 of which were functioning. A prison renovation program sponsored by the U.N. Development Program was in progress at all detention facilities to mitigate overcrowding.

Conditions in holding cells in police stations were extremely poor, especially in small stations outside of Freetown. During the year, international monitors visited the SCSL detention facilities and reported that they met acceptable standards.

Government policy precluded family visits to prisoners at Pademba Road Prison except in exceptional circumstances and on a case-by-case basis; however, the International Committee for the Red Cross (ICRC) provided a messaging service that allowed prisoners to communicate with their families.

International observers who visited Liberian combatants throughout the year at Mape and Mafanta Internment Camps reported that conditions were adequate except that a number of juveniles were held with adults; however, in February, a Liberian detainee at Mape Internment Camp reportedly died as a result of unsatisfactory health services. Approximately 420 former Liberian combatants were detained at the 2 camps at year's end.

According to a U.N. Human Rights report, prisons in Koidu, Bo, Kenema, and Kabala were using detainees for work outside of the prison without appropriate compensation.

Male and female prisoners were held separately. Adults and juveniles were sometimes incarcerated together. Juvenile detainees did not have adequate access to rehabilitative services, such as education or vocational training. Pretrial detainees were held with convicted prisoners.

International monitors, including UNAMSIL and the ICRC, had unrestricted access to visit Pademba Road Prison and other detention facilities, including the SCSL detention facilities. Prison Watch, a local human rights group, reported on detention facilities throughout the country. Unlike last year, there were no reports that human rights groups were restricted from visiting detention facilities.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily.

The SLP, which has primary responsibility for maintaining internal order, received insufficient resources, lacked investigative or forensic capabilities, and was widely viewed as corrupt and incompetent. During the civil war, numerous officers were killed or fled their posts, which resulted in a reduction of the country's police force from approximately 9,500 officers to 7,000. Budget constraints have impeded recruitment efforts, as have the lack of basic educational skills of applicants, many of whom had no schooling during the civil war. During the year, the Inspector General of Police continued efforts to increase SLP personnel levels, to bring more accountability to top SLP officials through systematic rotations, and to assume primary security responsibility from UNAMSIL. There were approximately 7,900 police officers by year's end.

In February, President Kabbah and Vice-President Berewa visited a police station in Kono and urged police officers to refrain

from committing human rights violations.

During the year, there were frequent reports that police officers took bribes at checkpoints, falsely charged motorists with violations, and impounded vehicles to extort money. However, there were other anecdotal reports that police behavior in Freetown improved dramatically during the year; reportedly, police no longer routinely harassed and demanded payment from businessmen in the Lebanese community, and there were no makeshift roadblocks in Freetown to extort money.

The law requires warrants for searches and arrests in most cases; however, arrest without warrant was common. There were judicial protections against false charges; however, prisoners often were detained for prolonged periods on false charges. Detainees have the right of access to family or counsel; however, access to counsel was often delayed, and family visits were restricted at maximum-security Pademba Road Prison (see Section 1.c.). There are provisions for bail, and there was a functioning bail system; however, international observers described frequent cases of excessive bail. Many criminal suspects were held for months before their cases were examined or formal charges were filed.

There were numerous instances of arrest without charges for purely civil causes; arrests for breach of contract or debt cases were the most common. For example, in March, police reportedly detained a woman in Koidu because of a private business debt.

During the year, police arrested demonstrators (see Section 2.b.).

At year's end, approximately 89 RUF/AFRC/West Side Boys who had experienced prolonged pretrial detention were charged. During the year, a visiting Commonwealth judge filed a writ of habeas corpus, leading to the release of 12 former soldiers who had reportedly rebelled against the Government and who had been held since 1996. In addition, 16 West Side Boys were released on August 21. Trials for many of those charged began on October 22; however, at year's end, no testimony had been given due to repeated court cancellations.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary at times was subject to corruption.

The judicial system consists of the Supreme Court, appeals courts, the High Court, whose justices are chosen by the President, and magistrate courts. Local chieftaincy courts administer customary law with lay judges; appeals from these lower courts are heard by the superior courts.

Judicial presence outside the capital district improved during the year. By year's end, there were magistrate courts functioning in all 12 judicial districts, which at times were presided over by justices of the peace. Also, magistrates were permanently stationed at five provisional headquarters in Bo, Moyamba, Makeni, Port Loko, and Kenema. The magistrates visited the remaining seven judicial districts at least once per month.

The Constitution and the law provide for a speedy trial; however, in practice, the lack of judicial officers and facilities often produced long delays in the judicial process. Trials were usually fair; however, there was evidence that corruption influenced some cases. A majority of cases on the magistrate level were prosecuted by police officers, many of whom had little or no formal legal training.

Traditional justice systems continued to supplement extensively the central government judiciary in cases involving family law, inheritance, and land tenure, especially in rural areas. There were reports that local chieftains at times exceeded their mandates and executed harsh punishments. For example, in August, there were reports of Councils of Chiefs administering flogging as punishment.

In April, associates of the port director severely beat a port authority official investigating corruption. At the trial, the port director allegedly bribed all 12 jurors, and the suspect who had been arrested for the beating was subsequently acquitted and released. The jurors later were arrested and were in police custody at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and law prohibit such practices, and the Government generally respected these prohibitions in practice.

No action was taken against the approximately 100 persons who destroyed dozens of homes in Kono District in 2002, allegedly to rid the area of non-Kono persons.

The RSLAF performed frequent border patrols to try to deter attacks by Liberian combatants who forced some villagers to be

porters, and UNAMSIL maintained a battalion in Kenema that supported border patrols; however, the porous border with Liberia made such cross-border raids difficult to stop completely. Raids continued into the early part of the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government at times limited these rights in practice.

More than 50 newspapers were published in Freetown during the year, covering a wide spectrum of interests and editorial opinion. Most of the newspapers were independent, and several were associated with opposition political parties. Reporting was often politicized and inaccurate, in large part because of poor training of journalists, insufficient resources, and a lack of commitment to objectivity. Corruption among journalists was widespread. The number of newspapers fluctuated weekly. Newspapers openly and routinely criticized the Government and its officials, as well as opposition parties and former rebel forces.

Due to low levels of literacy and the relatively high cost of newspapers and television, radio remained the most important medium of public information. Several government and private radio and television stations broadcast, featuring domestic news coverage and political commentary.

The Independent Media Commission regulated independent media outlets. Although it was an independent body, some media observers alleged that the Government influenced the Commission. The annual license fee for single channel radio stations previously was \$2,000 (4 million Leones when established in 2002), but, because radio journalists and media monitors claimed that this fee was prohibitively expensive and would limit severely the number of independent radio stations, the fee schedule was revised downward during the year. Fees ranged from \$212 (521,000 Leones) for community radio stations operating at 100 watts to \$2,000 (approximately 4.9 million Leones) for rebroadcasts of programming like Voice of America and British Broadcasting Corporation. By year's end, all radio stations had paid the revised fees. Newspapers were charged an annual \$42 fee (approximately 103,000 Leones). By year's end, 21 of 36 newspapers had paid the fee while the others risked being banned.

In September, the SLP assaulted two journalists outside the CID. Allegedly, the journalists had gone to CID headquarters seeking information. No action was taken against the officers responsible.

In September, members of the ruling party, the SLPP, reportedly beat a journalist because of a story he was investigating. No further action was taken in this case.

The Public Order Act of 1965 criminalizes both defamatory and seditious libel; however, the law was rarely applied and only in cases involving top officials. Punishment for first-time offenders can be up to 3 years' imprisonment, and subsequent seditious libel offenses can bring terms of up to 7 years.

On October 5, Paul Kamara, editor of the For Di People newspaper, was found guilty of seditious libel against President Kabbah. Kamara received two concurrent 2-year sentences, and his newspaper was banned from publishing for 6 months. The sentences drew international attention, and at year's end, the Sierra Leonean Journalists' Association and other media advocates continued working to secure his pardon. Also at year's end, For Di People had resumed publishing.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

Several large demonstrations took place during the year, including opposition party political rallies. Although some demonstrations were marred by violence, most were relatively peaceful. There were no reported incidents of violent demonstration during the year in Freetown; peaceful social and cultural assemblies and parades were frequent.

In February, the Government refused an assembly permit to the Methodist Women's Organization, a local civil society group. The Government claimed the group's rally could incite problems. The Methodist Women appealed the Government's response, but they were unsuccessful.

In February, Kono authorities reportedly harassed members of the Campaign for Just Mining, a local civil society group, after it hosted a public discussion regarding mining practices in the district. Also in Kono, police harassed and intimidated area agencies that met to discuss mining practices.

In March, the Criminal Investigative Division (CID) arrested five men wearing shirts that called for the release of CDF leader Samuel Hinga Norman. The men were reportedly protesting peacefully outside of the SCSL, where Norman was being held. Reportedly, the men were arrested for the controversial message on their clothing. Other protesters standing outside of the SCSL calling for the extradition of former Liberian President Charles Taylor were not arrested.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. There were numerous civic, philanthropic, and social organizations, and the registration system was routine and nonpolitical. Throughout the year, the Revolutionary United Front Party (RUF), the political party formed from the RUF, continued to exist, although it had serious problems with membership and organization.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice; however, there were frequent reports that police officers who ran security roadblocks outside of the capital often extorted money from motorists.

The Constitution does not provide for forced exile, and the Government did not use it.

The Liberian border remained officially closed, at times, due to the civil conflict in Liberia; however, authorities permitted refugees, returnees, and other persons to move between the two countries regularly. There were some unconfirmed reports of bribery or coercion at border crossing points. At year's end, the border was open to official travel.

NGOs estimated that approximately 10,000 to 20,000 unregistered internally displaced persons (IDPs) remained, mostly in urban areas. Two camps for war-wounded persons remained open, one in Grafton and another for amputees in Freetown.

Approximately 26,000 refugees were repatriated during the year, bringing the total of those repatriated to 245,732 since 2000. An estimated 1,700 persons remained in refugee camps in Guinea, and 2,700 persons remained in Liberia; smaller numbers remained in Cote d'Ivoire, the Gambia, Ghana, and other countries; they were expected to integrate locally in those countries. Approximately 5,900 refugees lived in camps, while the rest were urban non-camp refugees.

The large influx of IDPs and refugees and the lack of resources caused tension with local residents; however, there were no reported incidents of violence. There were numerous reports that refugees and IDPs returned to find their homes occupied.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol; however, in practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status and asylum and cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other organizations in assisting refugees.

The Government also provided temporary protection to certain individuals who may not qualify as refugees under the 1951 Convention Related to the Status of Refugees or its 1967 Protocol. During the year, the Government continued to provide temporary protection to Liberians who had fled the conflict in their home country. At year's end, there were approximately 47,000 Liberian refugees living in the country by year's end, according to the UNHCR. Some camps, at times, were unable to provide adequate food or shelter for the influx of refugees, which sometimes caused instability in border areas. However, UNHCR reported that food provisions were made according to a U.N. standard of 2,100 calories per day per person and that every family was given private quarters. UNHCR also reported that they were rehabilitating the shelters and that vulnerable persons received priority consideration.

UNHCR and international aid workers reported that refugees were sexually exploited in camps by locally employed staff of international NGOs in exchange for extra food and other aid materials. Steps were taken to combat this problem by conducting sensitization campaigns and setting up mechanisms for reporting, investigating, and punishing those responsible; however, reporting and handling of these cases remained inconsistent.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage; however, the May 2002 elections were marred by irregularities, although many observers judged them to be free and fair.

Presidential and parliamentary elections were held in May 2002; 11 political parties were represented in the elections. President

Kabbah of the SLPP was re-elected with 70 percent of the popular vote. The RUF fielded presidential and parliamentary candidates, but it won only 1.7 percent of the vote. In Parliament, the SLPP won 83 of the total 112 seats; only 2 other parties won seats. Only the SLPP was represented in the Cabinet after two cabinet members, who were earlier considered to be independent, joined the SLPP following the elections. Many international monitors declared the elections free and fair; however, there were credible reports of significant abuse of incumbency, uneven voter registration, manipulation of vote counting, and partisan action by the National Electoral Commission (NEC). There also were reports of voter coercion by party bosses and traditional leaders.

In May, the first local elections in 32 years were held. International and domestic monitors judged them free and fair at the time; however, shortly after the election, there was clear evidence of electoral fraud by the SLPP in Koya III District. Well after the completion of the elections, evidence of widespread electoral fraud by both the SLPP and the All People's Congress also emerged.

On September 3, NEC Chairman Eugene Davies resigned, citing political interference by the Government in the functioning of the NEC, tampering with the local election results by the SLPP, and inadequate terms and conditions of work. The NEC was created in 2002 and is independent from the Government.

Only citizens can vote, and the Citizenship Act restricts the acquisition of citizenship at birth to persons of "patrilineal Negro-African descent." Since legal requirements for naturalization effectively denied citizenship to many long-term residents, a large number of persons of Lebanese ancestry, who were born and resided in the country, could not vote (see Section 5). While a small percentage of the Lebanese population had been naturalized and did vote, others insisted that naturalization was second-class citizenship and rejected it.

Corruption in the executive and legislative branches was very common, according to some senior government officials, and the public strongly resented that government officials were widely assumed to divert public funds for private use. The President publicly supported the Anti-Corruption Commission (ACC), established in 2001. At year's end, the ACC had 135 corruption cases under investigation, had won 13 corruption cases, and had secured indictments against 6 high-level officials.

There were 16 women in the 112-seat Parliament, 3 women in the Cabinet, and 1 on the Supreme Court. A significant number of women were employed as civil servants.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated with few government restrictions, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The National Forum for Human Rights (NFHR) served as an umbrella organization for human rights groups in the country. There were 41 human rights NGOs registered with the NFHR by year's end, and all reportedly were active. The majority of domestic human rights NGOs focused on human rights education, while only a few NGOs actively monitored and reported human rights abuses. The Campaign for Good Governance oversaw widespread monitoring activities.

Human rights monitors traveled freely throughout the country. Intensive reporting, data collection, and investigations continued in formerly rebel-held areas. Representatives of various international NGOs, foreign diplomats, the ICRC, and U.N. human rights officers were able to monitor trials and to visit prisons and custodial facilities during the year.

UNAMSIL had eight provincial human rights offices in addition to the UNAMSIL Human Rights Section in Freetown, which conducted training, monitoring, reporting, and advocacy throughout the year. During 2003, the UNAMSIL Human Rights Section led a campaign to establish a National Human Rights Commission as mandated by the 1999 Lome Peace Accord. At year's end, legislation regarding the Commission's mandate had been passed, but the commission members had not been appointed.

The SCSL, the U.N.-Sierra Leone war crimes tribunal established in 2002 to try those who "bear the greatest responsibility for the commission of crimes against humanity, war crimes, and serious violations of international humanitarian law," indicted 13 persons in 2003: Former RUF leader Foday Sankoh; Sam 'Maskita' Bockarie, Sankoh's deputy; RUF commander Morris Kallon; AFRC commander Akex Tamba Brima; RUF and AFRC/RUF commander Issa Sesay; CDF leader Sam Hinga Norman; AFRC commander Brima Kamara (AKA Bazzay); AFRC leader Santigie Kanu (AKA Five-Five); AFRC leader Johnny Paul Koroma (AKA JPK); RUF commander Augustine Gbao; Kamajor leader Allieu Kondewa; Kamajor leader Moinina Fofana; and former Liberian President Charles Taylor. Four of the 13 were not in custody at year's end: Sankoh, who died in July 2003 from a pulmonary embolism while in custody; Bockarie, who was killed in May 2003 in Liberia; Taylor, who was exiled to Nigeria in 2003; and Koroma, who escaped from police custody in January 2003 and remained at large. All of those indicted were charged with crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II, and other serious violations of international humanitarian law. Specific charges included murder, rape, extermination, acts of terror, sexual slavery, conscription of children into an armed force, attacks on U.N. peacekeepers, and looting and burning of homes from 1997 to 1999.

Trials for CDF leaders Norman, Fofana, and Kondewa began in June, and trials for RUF leaders Sesay, Kallon, and Gbao began in July. They were ongoing at year's end.

On October 5, the TRC, established in 2002 to provide a forum for publicly airing the grievances of victims and the confessions of perpetrators from the civil war, released its final report. The report contained a separate child-friendly version, since children played such a large role as both victims and perpetrators of violence during the war. The report concluded that years of bad governance, endemic corruption, and denial of basic human rights created the conditions that made the conflict inevitable. The Commission offered a number of recommendations on legal, political, and administrative reforms, but, by year's end, the Government had taken no concrete action. By the time the TRC's hearings were concluded in July, approximately 10,000 citizens had participated in the process.

The U.N. and numerous NGOs, both domestic and international, continued to educate and sensitize the population about the TRC and the SCSL, and the Government supported these efforts.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination against women and provides for protection against discrimination on the basis of race and ethnicity; however, the Government did not enforce these provisions effectively.

Women

Domestic violence against women, especially wife beating, was common. The police were unlikely to intervene in domestic disputes except in cases involving severe injury or death. In rural areas, polygyny was common. Women suspected of marital infidelity often were subjected to physical abuse; frequently, women were beaten until they divulged the names of their partners. Because husbands could claim monetary indemnities from their wives' partners, beatings often continued until the woman named several men even if there were no such relationships. There also were reports that women suspected of infidelity were required to undergo animistic rituals to prove their innocence.

Rape was recognized as a societal problem and was punishable by up to 14 years' imprisonment. There were reports that some women and girls abducted during the war remained with their captors due to intimidation and a lack of options. There also were reports of the sexual abuse of refugees in refugee camps (see Section 2.d.). Cases of rape were underreported, and indictments were rare, especially in rural areas. Medical or psychological services for rape victims were very limited. Rape victims were required to obtain a medical report to file charges; however, government doctors charged \$20 (approximately 50,000 Leones) for such an exam, which was prohibitively expensive for most victims. Human rights monitors urged the Government to eliminate or lower the cost of medical reports. The International Rescue Committee (IRC) expanded its operations since 2003; by year's end, it ran centers in Freetown, Kenema, and Kono to perform medical examinations and provide counseling for victims of sexual assault. The IRC also conducted workshops in Kono, Freetown, Kailahun, Kenema, and Bo.

FGM was practiced widely at all levels of society, although with varying frequency. The less severe form of excision was practiced. UNICEF and other groups estimated that 80 to 90 percent of women and girls had undergone the practice; however, some local groups believed that this figure was overstated. FGM was practiced on girls as young as 5 years old. No law prohibits FGM. Although a number of NGOs worked to eradicate FGM and to inform the public about its harmful health effects, active resistance by women's secret societies, in which FGM commonly occurred as part of initiation rites, countered efforts to stop the practice.

In August, a secondary student died from complications derived from a female circumcision. Police completed an investigation but, by year's end, no indictments had been filed.

During the year, the Director of Public Prosecutions filed charges against the 10 women arrested in 2002 in connection with the death of a 14-year-old girl following an FGM rite. The trial continued at year's end.

Prostitution was widespread and not prohibited by law; however, prostitutes sometimes were arrested and charged with loitering or vagrancy. Many women and girls, particularly those displaced from their homes and with few resources, resorted to prostitution as a means to support themselves and their children.

The Constitution provides for equal rights for women; however, in practice, women faced both legal and societal discrimination. In particular, their rights and status under traditional law varied significantly depending upon the ethnic group to which they belonged. All women born in the Western Area, which is governed by General Law, had a statutory right to own property in their name. Some women born in the provinces, which are governed by customary laws that vary from chieftdom to chieftdom, did not. In the Temne tribe, women could not become paramount chiefs; however, in the Mende tribe, there were several female paramount chiefs. Women did not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas, women performed much of the subsistence farming and had little opportunity for formal education.

In September, the Deputy Minister of Education formally recognized a study conducted by the British Council, which revealed that girls were being denied an education more often than boys and that traditional beliefs were keeping women confined to the

household.

Women were active in civic and philanthropic organizations. Domestic NGOs, such as 50/50 and Women's Forum, raised awareness of gender equality and women's issues, and they encouraged women to enter politics as candidates for Parliament.

Children

The Government was committed to improving children's education and welfare; however, it lacked the means to provide them with basic education and health services. The Ministry of Social Welfare, Gender, and Children's Affairs had primary responsibility for children's issues.

The law requires school attendance through primary school; however, only 42 percent of school-aged children were enrolled in school, according to UNICEF. Schools, clinics, and hospitals throughout the country were looted and destroyed during the 11-year insurgency, but, by year's end, the majority had been rebuilt. A large number of children received little or no formal education. Formal and informal fees largely financed schools, but many families could not afford to pay the fees. The average educational level for girls was markedly below that of boys, and only 6 percent of women were literate. At the university level, male students predominated.

FGM was performed commonly on girls (see Section 5, Women).

Child prostitution was a problem (see Section 5, Trafficking). To address the issue of child prostitution in the capital, the Freetown City Council introduced a regulation that would bar minors from nightclubs, a common venue for commercial sex transactions.

Trafficking in Persons

During the year, Parliament passed legislation that prohibited trafficking in persons; however, there were reports that persons were trafficked from and within the country.

The country was one of origin, transit, and destination for international trafficked persons. The majority of victims were women and children. There was no quantitative study on trafficking, and no specific figures existed on the number of persons trafficked. Children were trafficked from the provinces to work in the capital as laborers and commercial sex workers and to diamond areas for labor and sex work. Persons were trafficked from neighboring countries for domestic and street labor and for commercial sex work. Persons were trafficked out of the country to destinations in West Africa, including Nigeria, Cote d'Ivoire, Guinea, and Guinea-Bissau for labor and sex work. Persons were also trafficked to Lebanon, Europe, and North America. The country served as a transit point for persons from West Africa and possibly the Middle East.

In an effort to combat the trafficking of persons into the sex trade, government authorities became more vigilant in their efforts to close brothels, which were perceived as perpetuating trafficking. The Government also began to publicize trafficking issues through government-sponsored radio programs and official statements in the press.

The SLP takes the lead on trafficking issues. The Government worked closely with NGOs on trafficking-related issues to develop training programs but was hampered by a lack of resources and an incomplete understanding of the problem. The Government supported prevention programs, including children's education and women's business initiatives.

Persons with Disabilities

There was no government policy or program directed particularly at persons with disabilities. No law mandates accessibility to buildings or provides assistance to persons with disabilities. Public facility access and discrimination against persons with disabilities were not considered public policy priorities. There was no outright discrimination against persons with disabilities in housing or education; however, given the high rate of general unemployment, work opportunities for persons with disabilities were few. A few private agencies and organizations provided job training for persons with disabilities.

Despite the prevalence of those disabled by polio, there was little government assistance to this group. For example, in September, the SLP evicted without notice residents at a facility for polio victims.

Some of the numerous individuals maimed in the fighting, or who had their limbs amputated by rebel forces, received special assistance from various local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help victims acquire new work skills; however, amputees complained that they did not receive sufficient assistance compared to ex-combatants, who received assistance through the demobilization process.

National/Racial/Ethnic Minorities

The ethnically diverse population consisted of at least 13 ethnic groups that all spoke distinct primary languages and were

concentrated outside urban areas; however, all ethnic groups besides the Krio used Krio as a second language. Little ethnic segregation was apparent in urban areas, and interethnic marriage was common. The two largest ethnic groups were the Temne in the North and the Mende in the South. Each of these groups was estimated to make up approximately 30 percent of the population. There were reports of interethnic tension.

Ethnic loyalty remained an important factor in the Government, the armed forces, and business. Complaints of ethnic discrimination in government appointments, contracts, military commissions, and promotions were common.

Residents of non-African descent faced institutionalized political restrictions (see Section 3). Legal requirements for naturalization, such as continuous residence in the country for 15 years, or the past 12 months and 15 of the previous 20 years, effectively denied citizenship to many locally born residents, notably members of the Lebanese community.

Other Societal Abuses and Discrimination

On October 5, a prominent gay activist was killed in her office. Media reports initially indicated that she was raped repeatedly, stabbed, and her neck broken. International human rights groups identified the killing as a possible hate crime. Police investigators were investigating the case at year's end; however, initial investigation suggested that the victim died of asphyxia and that there was no evidence of rape or stabbing. The primary suspect in the case was a recently dismissed domestic employee, who was also being investigated for theft. At year's end, the former employee's case was before the court.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association, and, in practice, workers had the right to join independent trade unions of their choice. Police and members of the armed services were prohibited from joining unions. Approximately 30 to 60 percent of the workers in the formal sector in urban areas, including government workers, were unionized, but attempts to organize agricultural workers and mineworkers have met with little success. All labor unions generally joined the Sierra Leone Labor Congress (SLLC), but membership was voluntary. There were no reliable statistics on union membership.

The law does not prohibit antiunion discrimination against workers or employer interference in the establishment of unions; however, there were no reports of such cases during the year. An employee fired for union activities could file a complaint with a labor tribunal and seek reinstatement. Complaints of discrimination against trade unions were made to a tribunal.

b. The Right to Organize and Bargain Collectively

The Regulation of Wages and Industrial Relations Act provides the legal framework for collective bargaining, and the Government protected this right in practice. Collective bargaining must take place in trade group negotiating councils, each of which had an equal number of employer and worker representatives. Most enterprises were covered by collective bargaining agreements on wages and working conditions. The SLLC provided assistance to unions in preparations for negotiations; in the case of a deadlock, the Government could intervene. Although most cases involving industrial issues continued to go through the normal court system, the Industrial Court for Settlement of Industrial Disputes heard approximately 10 cases during the year.

There are no export processing zones.

Workers had the right to strike, although the Government could require 21 days' notice; workers exercised this right in practice.

No law prohibits retaliation against strikers, even for a lawful strike; however, the Government did not take adverse action against the employees and paid some of them back wages.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced and compulsory labor, including by children; however, forced labor remained a problem (see Section 6.d.). Under the Chiefdom's Council Act, individual chiefs may impose forced labor as punishment, and have done so in the past. They also may require members of their villages to contribute to the improvement of common areas, a practice that occurred only in rural areas. There is no penalty for noncompliance. There were reports of bonded labor in rural areas, and debt bondage was common among the thousands of alluvial diamond diggers and miners.

Unlike in the previous year, there were no reports that Liberian forces used persons for forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

During the year, the Government took important steps to create legal protections against the worst forms of child labor; however,

child labor was a problem. The Government drafted omnibus domestic legislation to combat child labor modeled on the U.N.'s International Bill of Rights for Children; however, the draft was not put before Parliament at year's end. The Ministry of Mineral Resources enforced regulatory prohibitions against the worst forms of child labor. The ministry also was charged with protecting children in the country's vulnerable diamond mining areas; however, enforcement was not always effective.

Moreover, UNICEF worked closely with the Government to execute successfully its own post-war reintegration plan in which 98 percent of registered displaced children, that is, child soldiers, were returned to their homes.

Nevertheless, child labor remained a problem due to strong traditions.

Children routinely assisted in family businesses and worked as petty vendors. Adults employed a large number of street children to sell, steal, and beg. In rural areas, children worked seasonally on family subsistence farms. Hundreds of children, including some who were 10 years old and younger, mined in alluvial diamond fields, working for relatives. Because the adult unemployment rate remained high, few children were involved in the industrial sector or the formal economy.

Foreign employers hired children to work as domestic laborers overseas at extremely low wages and in poor conditions. The Department of Foreign Affairs and International Cooperation was responsible for reviewing overseas work applications to see that no one under the age of 14 was employed for this purpose; however, the reviews were ineffective.

The Constitution prohibits forced and bonded labor by children; however, such practices continued to exist. Unlike last year, there were no reports of bonded labor by children in rural areas or that former RUF commanders forced children to mine diamonds. There were reports that children whose parents sent them to friends or relatives for education in urban areas were forced to work on the street. There also were reports that adults asked orphanages for children to be used as household help.

During the year, the Government made some progress in the areas of prevention and law enforcement related to impermissible child labor. Relevant government agencies facilitated the efforts of World Vision, an NGO that conducts reintegration programs for child laborers. In a national effort, World Vision registered 389 child prostitutes in Freetown and between 1,400 to 2,000 child miners in Kono, all of whom then had access to the NGO's services.

e. Acceptable Conditions of Work

In December, the Government raised the minimum wage from approximately \$9 (21,000 Leones) per month to approximately \$16 (40,000 Leones) per month; this was the first adjustment in the minimum wage since 1997. The minimum wage did not provide a decent standard of living for a worker and family. Most workers supported an extended family, often including relatives who were displaced by the insurgency in the countryside. It was common to pool incomes and to supplement wages with subsistence farming and child labor (see Section 6.d.).

Although not stipulated by law, the standard workweek was 40 hours (60 hours for security personnel). Employers negotiated work hours with employees at the time of hire, and overtime was to be paid if an employee's workweek exceeded that figure.

Although the Government set health and safety standards, it lacked the funding to enforce them properly. Trade unions provided the only protection for workers who filed complaints about working conditions. Initially, a union could make a formal complaint about a hazardous working condition; if this complaint was rejected, the union could issue a 21-day strike notice. If workers were to remove themselves from dangerous work situations without making a formal complaint, they risked being fired.

The law protects both foreign and domestic workers; however, there were fewer protections for illegal foreign workers.